



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY
MEETING NOTICE AND AGENDA

MINUTES OF THE JULY 13, 2011 GENERAL SESSION

AGENDA

1. Call to Order

Chairman MacKay called the General Session to Order at approximately 9:32a.m.

2. Roll Call

Present in Las Vegas: Commissioner Michael J. Klobberdanz, Commissioner Monica B Metz, Administrative Attorney James Day, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Senior Deputy Attorney General David Newton. Present in Reno: Chairman Andrew J. MacKay, Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Chairman MacKay led a recital of the Pledge.

4. Public Comment:

None.

5. Approval of Agenda—

Administrative Attorney James Day requested that Item 13 be heard between Items 9 and 10 to allow Mr. Halliburton the opportunity to comment prior to departing on a flight; that Item 17(c)20 be considered separately to allow discussion; that Item 17(c)23 be edited to include only the impound and not the citation; and that Item 17(c)10 be removed from the Agenda. Approved 3-0 as amended.

6. Approval of the Minutes of the June 9, 2011 Agenda Meeting

Approved 3-0.

7. Briefings from the Commissioners

Chairman MacKay welcomed Director Terry Johnson and thanked Staff for their efforts over the past month.

8. Briefing from the Deputy Commissioner

None.

9. Report of Legal Counsel

Senior Deputy Attorney General David Newton reported that the Handicab matter has been reset for July 25, 2011 at 10:00 a.m. SDAG Newton further noted the Agenda format changes to include two public comment sections, the first being limited to Agenda items only. SDAG Newton confirmed that with these changes, the Authority was in compliance with the open meeting law changes. Chairman MacKay questioned SDAG Newton as to status of the Ambassador Limousine matter. SDAG Newton stated Ambassador Limousine indicated they would stand on the petition they had filed with no further briefings. SDAG Newton stated he would be filing his response in that matter by July 14, 2011.

13 - Request for Rulemaking Docket

Docket No. 11-05027 The request pursuant to NAC 706.3958 of Dispatch and Tracking Solutions that the Authority open a rulemaking docket to amend NAC 706.432 and add new provisions to NAC 706 relating to the methodology for tow carrier notification of tows to law enforcement.

Mr. Halliburton, present telephonically, summarized the request. The Authority found that the request was in conflict with Governor Sandoval's rulemaking freeze and that regulation changes were not necessary in order for the requestor to pursue the proposed notification methodology. Request denied 3-0

10. Applications for Fully Regulated Carriers

- a) **Docket No. 09-06022** The Joint Application of Pro-Action Limousine & Concierge Services, Inc. d/b/a Pro-Action Limousine to sell and transfer and of the Kirk-Hughes Sampson Family Trust to purchase and acquire 90% of the outstanding shares of Pro-Action Limousine & Concierge Services, Inc., a carrier authorized to provide charter limousine service under Certificate of Public Convenience and Necessity (hereinafter CPCN) 1090. (MBM)

Ms. Geraldine Kirk-Hughes, Esq., was present on behalf of the Transferee Applicant, Kirk-Hughes Sampson Family Trust. Commissioner Metz summarized the application and reported her findings that the transferee applicant satisfies all NRS 706.391 requirements and recommended approval, with the public interest requiring a restriction prohibiting Kelly or walk-up service except at any property where the carrier has an agreement with the property to stage vehicles. Ms. Kirk-Hughes questioned how long the restriction would be in place. Commissioner Metz stated the restriction would remain until the carrier applies for expansion to remove the restriction. Approved 3-0 with the noted restriction.

- b) **Docket No. 10-07015** The Joint Application of H.I.S. Tours USA d/b/a H.I.S. Tours to transfer and of H.I.S. International Tours (NY) d/b/a H.I.S. Tours USA, Inc. to acquire the authority to provide transportation under Contract Carrier Permit MV 6131. Staff investigation concluded.

Chairman MacKay summarized the Joint Application, noted his finding that no hearing was necessary, and recommended approval. Attorney Brian Holthus and Owner Takashi Kanda were present on behalf of the Applicants. Approved 3-0

- c) **Docket No. 10-11006** The Joint Application of John Buckler, deceased, to sell and transfer and of Greg Daugherty and Devon Smiley to purchase and acquire 25% of All The Right Moves, LLP, a carrier authorized to provide the transportation of household goods under CPCN 3340. Staff investigation concluded.

Chairman MacKay summarized the Joint Application, noted his finding that no hearing was necessary, and recommended approval. Commissioner Metz suggested allowing, concurrent with the transfer, the transferee carrier to amend the existing tariff to include a senior discount, pending a review of the Notice in the matter

to assure such change was embraced by the Notice. Staff reviewed the Notice and reported that this Notice preceded the Staff's new practice of including notice of potential tariff changes. Approved 3-0

- d) Docket No. 11-03024** The temporary discontinuance from January 1, 2011 through June 30, 2011 of services provided by S&S Moving, Inc. under CPCN 3252. Staff investigation concluded.

Senior Deputy Attorney General Newton noted that the carrier has pending citations to be heard on July 20, 2011. Commissioner Metz and Chairman MacKay noted that the Agenda Item does not disclose a Staff proposal or recommendation that the Authority initiate an Order to Show Cause. Commissioner Metz further noted that the informal filing of the carrier on July 12, 2011 was inadequate to support an extension of the temporary discontinuance. The Authority took no action on this item.

- e) Docket No. 11-05025** The temporary discontinuance from May 27, 2011 through October 27, 2011 of services provided by Knight Limo Services, Inc. d/b/a Classy Lady Limo under CPCN 1060, Sub 1. Staff investigation concluded.

Chairman MacKay summarized the request. Commissioner Metz noted her opposition to granting the request for the period of time prior to the formal filing of the request. The Request was approved as filed by a vote of 2 – 1, with Commissioner Metz dissenting.

- f) Docket No. 11-05026** The temporary discontinuance from May 27, 2011 through October 27, 2011 of services provided by Pahrump Valley Taxi, Inc. under CPCN 1024, Sub 1. Staff investigation concluded.

Chairman MacKay summarized the request. Commissioner Metz noted that granting the request would result in an unserved population in Pahrump. Request denied by a vote of 2-1, with Chairman MacKay dissenting.

- g) Docket No. 11-06007** The Application of GMT CARE, LLC for an expansion of operating authority granted under CPCN 1115 to provide non-emergency transportation services. Applicant's Petition for interim/temporary approval of their Application due to exigent circumstances. Staff investigation of Petition concluded.

Chairman MacKay summarized application. John Bejgu, Owner and Mike Hottman, Esq. appeared on behalf of the Applicant. Applicant summarized the basis for its request for interim/temporary approval. Attorneys Kimberly Maxson-Rushton and Ted Kurtz stated opposition for pending interveners. Yvonne Shelton summarized the Application and stated that Staff had confirmed that the equity requirement had been met but had not confirmed the market, and that Staff opposed the Petition for interim/temporary authority. Kimberly Maxson-Rushton and Ted Kurtz waived on behalf of the pending interveners any objection to the Authority acting on the request for interim/temporary authority. Petition denied 3-0

- h) Docket No. 11-06023** The request of Richard Phillip Konczak Jr. d/b/a All Seasons Tahoe Limousine Service to voluntarily cancel CPCN 1086. Staff investigation concluded.

Chairman MacKay summarized the request. Approved 3-0

11. Orders to Show Cause

- a) Docket No. 11-04005.** The Order to Show Cause issued to Miguel Acosta d/b/a Angel's Towing as to why CPCN 7155 should not be revoked. (MBM)

Commissioner Metz summarized the matter. Commissioner Kloberdanz noted that he had listened to both hearings. Chairman MacKay and Commissioner Kloberdanz stated their support for Commissioner Metz' proposed findings and recommendations. Commissioner Metz' proposed Order Approved 3-0

- b) Docket No. 10-11015.** The Order to Show Cause issued to Personal Sedan Service, LLC as to why CPCN 1080 should not be revoked. (MBM)

Commissioner Metz summarized the matter. Commissioner Kloberdanz noted that he had listened to all of the hearings in this matter. Chairman MacKay and Commissioner Kloberdanz stated their support for Commissioner Metz' proposed findings and recommendations. Rumi Bosse was present on behalf of Personal Sedan Service, LLC and stated remedies were in place and thanked Staff. Commissioner Metz' proposed Order Approved 3-0

12. Financial Rates and Tariffs

- a) Docket No. 10-11007** The Application of C & J Development Enterprises, Inc. d/b/a Custom Towing for approval of a tariff rate modification for tow car services conducted under CPCN 7061. Staff investigation concluded.

Yvonne Shelton summarized and expressed Staff support for the application. Cindi Causey appeared on behalf of Custom Towing. Approved 3-0

- b) Docket No. 11-01004** The Application of J & N Enterprises, LLC d/b/a Silver State Towing of Northern Nevada for approval of a tariff rate modification for tow car services conducted under CPCN 7183. Staff investigation concluded.

Lidia Aronova summarized and expressed Staff support for the application. Richard Flanders appeared on behalf of Silver State Towing. Approved 3-0

- c) Docket No. 11-06003** The Application of On Demand Sedan, Inc. for approval of a tariff rate modification for charter limousine, airport transfer, and special services conducted under CPCN 1040, Sub 3. Staff investigation concluded.

Items 12(c) and (d) were considered collectively. Lidia Aronova summarized and expressed Staff support for the application. Approved 3-0

- d) Docket No. 11-06004** The Application of On Demand Sedan, Inc. for approval of a tariff rate modification for airport transfer and special services conducted under CPCN 2063, Sub 1. Staff investigation concluded.

Items 12(c) and (d) were considered collectively. Lidia Aronova summarized and expressed Staff support for the application. Approved 3-0

- e) Docket No. 11-06005** The Application of Seiji, LLC d/b/a Seiji Limousines for approval of a tariff rate modification for charter limousine services conducted under CPCN 1111, Sub 1. Staff investigation concluded.

Lidia Aronova summarized and expressed Staff support for the application. Approved 3-0

- f) Docket No. 11-06012** The Application of Jacob Transportation, LLC dba Executive Las Vegas for approval of a tariff rate modification for charter limousine services conducted under CPCN 1062, Sub 5. Staff investigation concluded.

Lidia Aronova summarized and expressed Staff support for the application but indicated they were unsure if a restriction of a 6 person minimum should be added. Owner James Jimmerson, Esq. and Sam Steiner, General Manager, were present on behalf of the Applicant. Mr. Jimmensen addressed the 6 person minimum

requirement. A discussion ensued. Approved 3-0 with the addition of a 6 person minimum for direct non-stop service.

14. Request to Remove Temporary Restriction

Docket No. 11-06010 The request of Jacob Transportation Services, LLC d/b/a Executive Las Vegas to remove the temporary charter limousine fleet restriction from CPCN 1062. (MBM) Commissioner Metz summarized her findings and recommended approval of the Request. Owner James Jimmerson, Esq. and Sam Steiner, General Manager, were present on behalf of the Applicant. Mr. Jimmerson expressed his gratitude to the Authority, Staff, Administrative Attorney Day and Senior Deputy Attorney General Newton. Darin Dorsey, Esq. counsel for former Petitioners for Leave to Intervene LVL and ALC, confirmed that his clients had withdrawn their Petition for Leave to Intervene and no longer oppose the Request. Approved 3-0

15. Petition to Deviate from Regulations

Docket No. 11-06024 Pursuant to NAC 706.1305, Whittlesea Checker Taxi (CPCN 2118) requests deviation from NAC 706.3745 (2) and (3). Staff investigation concluded. Kimberly Maxson-Rushton appeared on behalf of Whittlesea Checker Taxi, and summarized the request. A brief discussion ensued as to SB320 effective date of October 1, 2011. Approved 3-0

16. Notices

a) **Docket No. 10-06003** The Application of Maribel Vela Moreno d/b/a JC Towing for a certificate of public convenience and necessity to provide tow car service by tow car within the State of Nevada. Deputy Commissioner has vacated Compliance Order and dismissed Application for failure to comply with Compliance Order requirements. Staff investigation concluded.
No action required.

b) **Docket No. 11-06018** The temporary discontinuance from June 24, 2011 through December 24, 2011 of services provided by Terrence Brill d/b/a T-Ray's Towing under Certificate of Public Convenience and Necessity (CPCN) 7201. Staff investigation concluded.
Approved 3-0

17. Consent Items

a) Applications for Certificates of Public Convenience and Necessity to Provide Tow Car Service
Items 17(a)1 and 2 were considered collectively – Approved 3-0

- 1) **Docket No. 11-02013** The Application of PDQ Towing, LLC for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.
- 2) **Docket No. 11-03018** The Application of Shine 'N Chrome, LLC for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

b) Voluntary Cancellations

Items 17(b)1 and 2 were considered collectively – Approved 3-0

- 1) **Docket No. 11-06002** The voluntary cancellation by Blanca Hernandez d/b/a Tow Master of CPCN 7154, Sub 1. Staff investigation concluded.
- 2) **Docket No. 11-06022** The voluntary cancellation by Running Bear Towing, Inc. of CPCN 7230, Sub 1. Staff investigation concluded.

c) Administrative Citations and Impoundments

Items 17(c) 10 and 20 were removed from the Agenda prior to consideration. Items 17(c)(3) and (27) were considered separately. Items 17(c)(1)-(2), (4)-(9), (11)-(19), (21)-(26) and (28)-(30) were considered collectively and approved by a vote of 3-0.

- 1) **Citation 14122** issued to Royalty Limo for a violation of NAC 706.247/49 CFR 382.301(a). (AJM) —**FOR POSSIBLE ACTION**
- 2) **Citation 14219** issued to Bighorn Towing, Inc. for violations of NAC 706.247/49 CFR 391.27 (2 counts) and NAC 706.247/49 CFR 391.15. (AJM) —**FOR POSSIBLE ACTION**
- 3) **Citation 14481** issued to Gregory James Black dba Two College Guys for violations of NRS 706.386 and NRS 706.758. (AJM) —**FOR POSSIBLE ACTION**

Mr. Black gave a statement regarding his current business practices in reference to his citation. Approved 3-0

- 4) **Citation 15414** issued to Kirk A. Krogstad for violations of NRS 706.386 and NRS 706.758. (AJM) —**FOR POSSIBLE ACTION**
- 5) **Impound 1516** The impoundment pursuant to NRS 706.476 of a vehicle registered to A & B Logistics, Inc. d/b/a Alpine Taxi. (AJM) —**FOR POSSIBLE ACTION**
- 6) **Impound 1541** The impoundment pursuant to NRS 706.476 of a vehicle registered to Darrell L. Evans. (AJM) —**FOR POSSIBLE ACTION**
- 7) **Citation 15212** issued to George R. Sarmiento for violations of NAC 706.329 and NAC 706.228. (MJK) —**FOR POSSIBLE ACTION**
- 8) **Citation 15221** issued to Richardo Brecher-Klein for violations of NRS 706.386 and NRS 706.758. (MJK) —**FOR POSSIBLE ACTION**
- 9) **Citation 14347** issued to Cheep Cheep Movers, Inc. for a violation of NAC 706.191. (MJK) —**FOR POSSIBLE ACTION**
- 10) **Citation 15433** issued to Royalty Limo, LLC for a violation of NAC 706.279. (MJK) —**FOR POSSIBLE ACTION**

This item was removed from the Agenda prior to consideration.

- 11) **Citation 15445** issued to Elmer Junior Selmon, II for a violation of NAC 706.228(3) as amended by LCB File No. R127-07. (MJK) —**FOR POSSIBLE ACTION**
- 12) **Citation 15463** issued to Sarah D. Bettinger for violations of NRS 706.386 and NRS 706.758. (MJK) —**FOR POSSIBLE ACTION**
- 13) **Citation 15465** issued to Joe N. Elias for violations of NRS 706.386 and NRS 706.758. (MJK) —**FOR POSSIBLE ACTION**
- 14) **Impound 1879** The impoundment pursuant to NRS 706.476 of a vehicle registered to LeeVern Daniels. (MJK) —**FOR POSSIBLE ACTION**
- 15) **Impound 1881** The impoundment pursuant to NRS 706.476 of a vehicle registered to Francis N. Subramaniam. (MJK) —**FOR POSSIBLE ACTION**
- 16) **Impound 1884** The impoundment pursuant to NRS 706.476 of a vehicle registered to Mark Howell. (MJK) —**FOR POSSIBLE ACTION**
- 17) **Impound 1880** The impoundment pursuant to NRS 706.476 of a vehicle registered to Christy C. Buss. (MJK) —**FOR POSSIBLE ACTION**
- 18) **Impound 1883** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Las Vegas. (MJK) —**FOR POSSIBLE ACTION**
- 19) **Impound 1761 and Citation 15464** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15464 issued to Zsolt Szabo for violations of NRS 706.386 and NRS 706.758. (MJK) —**FOR POSSIBLE ACTION**
- 20) **Impound 1868 and Citation 15216** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15216 issued to Andrew Frederick Bock for violations of NRS 706.386 and NRS 706.758. (MJK) —**FOR POSSIBLE ACTION**

This item was removed from the Agenda prior to consideration.

- 21) **Impound 1875 and Citation 15444** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15444 issued to Desert Fox Tours, Inc. for violations of NRS 706.386 and NRS 706.758. (MJK) —**FOR POSSIBLE ACTION**
- 22) **Impound 1876 and Citation 15443** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15443 issued to Abderrahim Khelifa for violations of NRS 706.386 and NRS 706.758. (MJK) —**FOR POSSIBLE ACTION**
- 23) **Impound 1878 and ~~Citation 15462~~** The impoundment pursuant to NRS 706.476 of a vehicle registered to ~~and Citation 15462 issued to~~ Rufus Daniels ~~for violations of NRS 706.386 and NRS 706.758.~~ (MJK) —**FOR POSSIBLE ACTION**

This item was amended to delete references to the Citation prior to consideration.

- 24) **Citation 15439** issued to Sogho Karen Soghomonian for violations of NAC 706.329 and NAC 706.354. (MBM) —**FOR POSSIBLE ACTION**

25) Citation 15441 issued to Christian Francis Hernandez for violations of NAC 706.247/49 CFR 391.41 and NAC 706.247/49 CFR 393.17. (MBM) —**FOR POSSIBLE ACTION**

26) Citations 14993 and 14994 issued to Rapid Tow, LLC for violations of NRS 706.4477 (4 counts), NAC 706.432 as amended by LCB File No. R075-08, NAC 706 as amended by LCB File No. R075-08(3), and NAC 706.442. (MBM) —**FOR POSSIBLE ACTION**

27) Citation 15217 issued to Century Towing for a violation of NRS 706.4477. —**FOR POSSIBLE ACTION**

Commissioner Metz asked if refunds were made to the owners of the towed vehicles. Senior Deputy Attorney General Newton stated no refunds were issued as the tows were not completed and therefore no charges were assessed. Approved 3-0

28) Citation 15220 issued to Muluneh Tsegaye for violations of NAC 706.329 and NAC 706.354. —**FOR POSSIBLE ACTION**

29) Citations 15218 and 15219 issued to National Transportation Services for violations of NAC 706.311, NAC 706.203, and NAC 706.279. —**FOR POSSIBLE ACTION**

30) Citation 15446 issued to Felipe Santana for violations of NAC 706.228(5) as amended by LCB File No. R127-07 and NAC 706 as amended by LCB File No. R127-07(1). —**FOR POSSIBLE ACTION**

18. Public Comment

Senior Deputy Attorney General Newton stated Kimberly Maxson-Rushton requested that the comment be placed on the record that she wishes Director Terry Johnson would have stayed through the entire meeting to see the complexities of the issues NTA deals with. Commissioner Metz requested a docket be opened for tariffs in general to aid Authority Staff in future discussions.

19. Adjournment

Chairman MacKay adjourned the General Session at approximately 2:07 p.m.